

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, February 13, 2001
Tuesday, 9:04 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Gale, Lambke, Martz, Pisciotte; present. *Council Member Rogers absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Rev. David Anders, West Side Baptist Church, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The minutes of the regular meeting of February 6, 2001, were approved 7 to 0.

AWARDS AND PRESENTATIONS

YOUTH SERVICE

Wichita's Promise – Youth Community Service Awards were presented.

PUBLIC AGENDA**DeAnn Konkel – Sedgwick County Emergency Management: Project Impact**

DeAnn Konkel

DeAnn Konkel introduced Project Impact, a program initiated by the Federal Emergency Management Agency (FEMA) to encourage communities to assess risks from natural hazards before disasters strike, and to implement strategies and actions to limit damage and save lives.

Ms. Konkel asked that the City appoint two representatives to the Mitigation Task Force.

Erma Markham – Neighborhood University Day

Erma Markham

Erma Markham, Chair of the 2001 Neighborhood University event co-sponsored by Wichita Independent Neighborhoods.

Ms. Markham invited all to the fourth annual Neighborhood University, Saturday, February 24, 2001, at the Sedgwick County Extension Office.

*Council Member Rogers present.

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UNFINISHED BUSINESS

ZIMMERLY/DALTON GATE AT ZIMMERLY AND DALTON. (District II)

Steve Lackey

Director of Public Works reviewed the Item.

Agenda Report No. 99-0002B.

In 1973 the Metropolitan Area Planning Commission, subject to extending Zimmerly west into the subdivision approved the Quail Meadows subdivision plat. Complaints from the residents living on Zimmerly near Dalton arose as Quail Meadows developed in the mid 1970's. An October 1977 count showed 890 vehicles/day west of Dalton and approximately a year later the traffic volumes had climbed to 1,859 vehicles/day (September 1978). In 1978, the Traffic Commission and CPO held public meetings and voted in favor of the closure. The City Council approved the closure in October 1978 by a vote of 4-0 and the gate was installed in November 1978. At that time Zimmerly was only built to half-width west of Dalton.

The issue arose again in 1985 when Harry between Rock and Webb was reconstructed. The City Council voted to support the temporary reopening of the gate based on the Wichita Fire Department's request to improve access to the area during construction. However, when the matter came before the Traffic Commission, it voted 6-1 to leave the gate closed.

A request was received in 1998 again to remove the gate and open the street to traffic. With additional accesses out of the neighborhood and construction of Zimmerly to full width, residents felt that the roadway could be safely reopened. Two petitions were received; one with 123 signatures in favor of the removal of the gate and the second with 45 signatures in favor of keeping the gate closed. CPO #2 held a public meeting in November 1998 and voted 5-3 to leave the gate closed. The Traffic Commission held a public meeting in December 1998. It's discussions centered on public streets being for public use and the fact that there was no evidence that motorists from outside the neighborhood would use the road. The Traffic Commission voted 6-0 in favor of removing the gate. The City Council moved that the gate be opened for one-year and have staff do periodic traffic counts and speed studies. Following an evaluation period, the City Council for a decision whether the gate should remain open or be closed. [Staff has provided periodic reports containing the traffic volumes and the results of the speed zone surveys for the following months in 1999: January, February, March, April, June, September, and December].

The District II Advisory Board held a neighborhood meeting on October 2, 2000 to discuss the possibility of re-installing the gate. DAB II voted 7-1 to re-install the gate.

The City Council took this recommendation under consideration at the October 17, 2000 City Council meeting. The City Council deferred the item asking representatives of the neighborhood to work with DAB II in order to develop a solution that would work on a permanent basis. The item was to be brought back to the City Council once consensus had been reached.

On November 9th, 2000 the District II Advisory Board hosted a neighborhood meeting inviting all residents within a one-mile radius of the traffic gate structure to attend. Representatives of the Police Department, Fire Department, Public Works, and USD 259 were also asked to attend. More than two hundred people were present at this meeting, and everyone had the opportunity to express their concerns. A list of interests and concerns was compiled. A neighborhood focus group was developed from the attendees at the meeting. This group, consisting of ten members, was selected to represent the varying interests and concerns of the community.

DAB II appointed a subcommittee to work with the neighborhood focus group and representatives of the City of Wichita's Public Works, and Police Departments. This working group met twice and addressed each item of concern listed from the neighborhood meeting. During the second meeting the group reached consensus on a neighborhood plan that would involve strategically placed medians and stop signs. The ten members of the neighborhood group, with the exception of one member who was

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absent and represented by his wife, agreed the plan would address safety concerns, yet allow access through the area where the gate once stood.

The District II Advisory Board took the neighborhood plan under consideration at their February 5, 2001 meeting and voted (7-0) to recommend adoption of the neighborhood plan as submitted.

The traffic reports provided to the City Council reflected a steady increase in traffic throughout the neighborhood until September 1999. The difference in counts taken in September and December indicated that traffic volumes in the area appeared to be stabilizing. A recent count on Zimmerly (east of Dalton) shows approximately 1600 vehicles per day, most of which is contributed to local traffic. The considerable amount of commercial development near the intersection of Harry and Webb (Dillons, McDonalds, Quik Trip, etc.) should be considered in determining whether or not to re-install the gate. The development that has occurred in the area lends itself to serving the adjacent neighborhoods, including the area west of where the gate was previously installed.

Speed zone surveys indicate that removing the gate had little impact on the speed along Zimmerly at Wicker (Jan 1999 – 36.48 mph and Dec 1999 – 35.85 mph).

It is estimated that it would cost \$10,000 to construct the proposed medians and install the proposed stop signs. Public Works operating budget would provide the funding.

Mayor Knight Mayor Knight inquired whether anyone wished to speak.

Mike Pompeo Mike Pompeo, Subcommittee Facilitator, reviewed the decision making process and said there was not 100 percent consensus. Mr. Pompeo urged the Council to adopt the proposed plan in its entirety.

Ken Sturkey Ken Sturkey, representing many neighborhood residents, said the additional neighborhood meeting promised by DAB II was not held and he did not feel consensus was reached.

Mr. Sturkey presented a petition with 394 signatures, and said a majority of the neighborhood residents feel that a traffic gate, stop signs, and traffic islands are not needed.

Council Member Pisciotte Council Member Pisciotte said the process moved from representing positions to interests. All interests were considered, and a new word, “civility,” was brought to the process.

Steve Lackey Director of Public Works, responding to a question, explained that there would be no parking on the opposite side of the street in areas where medians were placed to enable large van and semi-trailer turns.

Motion -- carried Pisciotte moved that the Design and Neighborhood Plan. be adopted. Motion carried 7 to 0.

VAC2000-00060 **VAC2000-00060 - VACATE PORTION OF PLATTED 25-FOOT UTILITY EASEMENT LOCATED AT THE SOUTHWEST CORNER OF CENTRAL AND CEDAR DOWNS CIRCLE.**
(District V)
(Continued from February 6, 2001)

Chris Cherches City Manager reviewed the Item.

Agenda Report No. 01-0106B

Staff Recommendation: Disapprove vacation of a portion of the platted 25-foot utility easement.
MAPC Recommendation: Approve vacation of a portion of the platted 25-foot utility easement.

This Item was continued from the February 6, 2001, City Council meeting. The applicant is requesting to vacate a portion of the platted utility easement to expand site width for proposed home. His agent indicated that he received a conditional” permit to construct a foundation for the home that encroaches 4-feet into the easement, and that, while recognizing that the vacation might not be approved, the

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distance between the proposed new building line and an existing sewer in the easement was not unusual.

Water and Sewer staff spoke in opposition to this request at the MAPC's advertised public hearing. They expressed concern that the sewer line would be too close to the home 4.5 feet to allow trenching without damage to the home. They also pointed out that, while sewer lines may be as close to building lines in other situations, those are usually in rear and not side yards, and homes are not normally built to the rear building line. Following considerable discussion, the MAPC voted to approve the vacation. MAPD staff is recommending that the vacation be disapproved. The applicant could sign a "Hold Harmless" agreement that would allow the home to be built, but protect the City from liability in the event that the home is damaged in the process of repairing or replacing the sewer line. The other option would be to remove the foundation and revise the building plans. No written protests have been filed.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- Martz moved that the Vacation be denied; the Hold Harmless Agreement be approved; and the necessary signatures be authorized. Motion carried 7 to 0.
-- carried

NEW BUSINESS

Mayor Knight momentarily absent; Vice Mayor Lambke in the Chair.

COMPLIANCE REP. COMPREHENSIVE COMPLIANCE REPORT.

Allen Bell Financial Projects Director reviewed the Item.

Agenda Report No. 01-0174.

On February 8, 2000, the City Council received a Comprehensive Compliance Report regarding projects and recipients receiving various financial incentives. These include Industrial Revenue Bond (IRB) financing, Economic Development Tax Exemptions (EDX), CDBG loans and grants, and HOME funding. Monitoring is performed to ensure compliance with conditions associated with issuance of revenue bonds, tax exemption approval, CDBG funding, and HOME funding. The Comprehensive Compliance Report provides an analysis of the current status of compliance relative to participating businesses and agencies for the years 1995 through 2000.

The Comprehensive Compliance Report reflects specific compliance conditions and current status of projects receiving City assistance through IRB, EDX, CDBG and HOME programs. During 2000, ten IRBs were issued, nine EDX approvals, and 195 CDBG contracts were awarded. There were no new HOME projects funded in 2000.

As a requirement of the City's IRB Policy and Business Incentives Policy, there are a number of conditions that must be met prior to City Council approval. Compliance criteria for IRB and EDX include advertising for minority contractors, submittal of water conservation measures and an environmental assessment, and having site plans reviewed by a design council if building construction is involved. There are also a number of compliance conditions that are required on an ongoing basis such as submittal of an Equal Employment Opportunity/Affirmation Action Plan, paying an annual administrative service fee, job creation, and capital investment. For example, in 2000, all IRB and EDX companies are in compliance with the requirement to have an EEO/AA plan on file. Ninety percent of companies are in compliance with the IRB administrative fee requirement. Staff is working with companies that are not in compliance. As a result of the IRB and EDX projects that were approved in 2000, 5,822 new jobs will be created and Wichita businesses report a capital investment of over \$235.4 million.

In order for projects to be approved for CDBG funding, the project must benefit low or moderate income persons, or eliminate slum or blighting condition. The 2000 Comprehensive Compliance Report reflects 195 CDBG contracts were awarded with a total value of \$3.8 million. The percentage of

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minority contractor participation, is 34%. The City exceeded the local requirement (10%) for minority participation by a factor of three.

Developer/Project owners requesting HOME funding for residential apartment projects must contractually agree to maintain a certain number of affordable apartment units for income-qualified individuals/families. These units must be offered at rents that comply with HOME program regulations for a predetermined period of time (affordability period), which is based on the amount of HOME funds invested and project type. In addition, apartment units must be maintained in compliance with local housing standards during the affordability period. The Comprehensive Compliance Report reflects nine HOME funded projects valued at \$3.4 million, since 1994. There were no HOME funded projects in 2000.

Conditions of compliance are monitored regularly by City staff through annual on-site monitoring visits, contractor and subcontractor interviews, required annual monitoring surveys, annual recertifications, review of certain contractor and subcontractor payrolls, and review of required submittals. Businesses and agencies not in compliance are notified and required to work with City staff for the purpose of full compliance with all conditions.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- carried Knight moved that the Comprehensive Compliance Report be received and filed. Motion carried 7 to 0.

HOUSING REHAB. AMENDMENTS TO HOUSING REHABILITATION PROGRAM.

Roy Johnson Director of Housing reviewed the Item.

Agenda Report No. 01-0175.

The City Council, through the Consolidated Plan process, approved the program guidelines and funding levels for the current year programs provided by the Housing Services Department. On September 15, 2000, new U.S. Housing and Urban Development Department mandated Lead-Based Paint (LBP) provisions went into effect. These new mandates require testing, performance of rehabilitation, temporary relocation from their home (while LBP activities are conducted), and clearance testing by certified contractors if LBP is detected. Due to the stringent restrictions placed on federally-funded rehabilitation projects by LBP requirements, program participation has decreased.

As a result of the LBP provisions, projects cannot be completed within the \$27,000 Direct Loan maximum and \$22,500 Deferred Loan Program. Additionally, the costs of completing the additional work does not add value to the property. Therefore, the costs incurred as a loan to the borrower become detrimental to participation in the program. Participants for these programs are typically elderly and low income persons who do not have a capacity to assume additional debt for Lead Paint corrective activities that do not result in increased equity. The requested program changes include:

1. An increase of maximum loan limit for Direct and Deferred Loan Programs to \$35,000 is requested to allow approved projects to be completed. Currently, several projects cannot be approved since they cannot be completed within the current maximum ranges.
2. Allow up to \$7,500 grant for CDBG projects and 5-year (forgivable) \$7,500 loan for HOME Direct/Deferred projects for costs associated with LBP repairs. Assistance with HOME program funds do not allow grant for grants, but forgivable loans are permissible.
3. Allow up to \$7,500 5-year forgivable loan for Homeownership 80 participants for LBP and HQS repairs. The forgivable loan will encourage program participation and occupancy of the home to attain forgiveness of loan.

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Additional funding for the programs is not requested. The City will experience diminished repayment on the loans related to the work performed on LBP activities.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Knight moved that the amendments to the Homeowners 80 and the CDBG and HOME funded Direct and Deferred Housing Rehabilitation Programs be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

LIQUOR TAX

SPECIAL LIQUOR TAX PROGRAM.

Cathy Holdeman

City Manager's Office reviewed the Item.

Agenda Report No. 01-0176.

On December 14, 1999, the City Council reviewed the Special Liquor Tax allocations that fund alcohol and substance abuse providers. All agencies were required to develop outcomes-based measurements to demonstrate that the work they performed made a meaningful and measurable difference in the lives of their clients.

A consultant was retained to assist the providers in the development of outcome-based measurements and to provide a recommendation to the City Council on providers' performance. The consultant reported that all but two of the providers met the expectations for the development and implementation of outcomes-based measurements. As a result, the recommendation was to fully fund the providers that met contract expectations and to decrease funding by 15% to the two providers that did not meet expectations. The City Council approved this recommendation.

The City Council's action at the December 14, 1999 meeting also included elimination of the Alcohol Drug Abuse Advisory Board (ADAAB) and replacing this board with a coalition comprised of area professionals knowledgeable of the substance abuse community. The City Council determined that the Coalition is responsible for:

Assessing current conditions, barriers to service and efficiency of funding systems, and is charged with making policy recommendations to the Council on: funding of existing programs; pilot projects; and additional research projects, among others. The City Council would allocate funds to various service providers, other project programs, and/or research projects based upon recommendations from the coalition.

The Council's actions also authorized privatization of the administration of program dollars. On March 28, 2000, COMCARE was approved as the program administrator and charged with monitoring the programs funded by Special Liquor Tax dollars and ensuring that the providers continued to refine outcome-based measurements.

COMCARE, as the program administrator for the Special Liquor Tax funds, has reviewed the outcome-based measurements developed by the providers of services to address alcohol and substance abuse. As required in their management contract, COMCARE has initiated a coalition to review and make recommendations on program funding. Based upon COMCARE's review and analysis of the effectiveness of the program providers, the coalition recommendation was to support full funding of the existing providers. However, as a part of the recommendation, the coalition supported COMCARE's finding that more information is needed to determine if one of the providers, Options, is providing adequate performance. The number of clients served was less than the numbers specified in its outcomes-based measurements. COMCARE will conduct an audit of this program and report its findings to the coalition in six months so a determination can be made if full funding should continue. Allocation amounts are as follows:

Behavioral Health Center	\$ 98,860
Knox Center, Inc.	\$ 35,990
Miracles, Inc.	\$ 51,830

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Parallax	\$ 69,830
Tiyospaye	\$ 15,000
Youth Development Services	\$ 23,660
Big Brothers/Big Sisters	\$ 73,400
Mental Health Assoc. Pathways	\$ 11,980
A New Beginning	\$ 24,950
Options	\$236,480
Regional Prevention Center	\$145,070
Mid-American All Indian Center	\$ 51,610
Women's Recovery Center	\$ 24,910

Program funds are available in the Special Liquor Tax Fund to support the recommended allocations.

Contracts with providers will be prepared and approved as to form.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- Knight moved that the funding levels be approved; Staff be authorized to enter into Contracts; and
-- carried the necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL AGENDA

APPOINTMENTS

BOARD APPOINTMENTS.

No appointments were made.

CONSENT AGENDA

Knight moved that the all Items on the Consent Agenda be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED FEBRUARY 12, 2001.

Bids were opened February 9, 2001, pursuant to advertisements published on:

2001 Sanitary Sewer Rehabilitation, Phase B - south of 21st Street North and west of Woodlawn. (468-83205/620302/661426) Traffic to be maintained during construction using flagpersons and barricades. (District I, II & IV)

Insituform Technologies - \$68,416.00

Lateral 457, Southwest Interceptor Sewer to serve an Unplatted Tract - north of 47th Street South, west of Meridian. (438-83120/743845/480533) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

Dondlinger & Sons - \$5,925.00

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

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WATER & SEWER DEPARTMENT/CUSTOMER SERVICES DIVISION: Envelopes. (183103)

Tension Envelope Corporation - \$26.67 (Cost per thousand)

PUBLIC WORKS DEPARTMENT/PUBLIC WORKS DIVISION: Lawrence Dumont Stadium Improvements/Modifications. (792051)

Hahner Foreman & Harness - \$1,266,000.00 (Lump sum total/base bid)
68,000.00 (Total add/alternate 1)
118,000.00 (Total add/alternate 2)
47,000.00 (Total add/alternate 3)
274,000.00 (Total add/alternate 4)
65,000.00 (Total add/alternate 5)
8,500.00 (Total add/alternate 6)
25,500.00 (Total add/alternate 7)
30,800.00 (Total add/alternate 8)

PUBLIC WORKS DEPARTMENT/MAINTENANCE DIVISION: Glass Beads for Traffic Line Paint. (132217)

Flex-O-Lite Inc. - \$.2203 (Cost per pound)

LIBRARY DEPARTMENT: Security Services. (101014)

Wolf Investigations - \$10.05 (Cost per hour)

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: 48" Ductile Iron Pipe. (181222)

American Cast Iron Pipe Company - \$9,296.00 (Total net bid)

POLICE DEPARTMENT/EMERGENCY COMMUNICATIONS DIVISION: Computers. (792344)

FA Systems/dba Micro World - \$40,110.00 (Total net bid)

PARK DEPARTMENT/RECREATION DIVISION: Diving Boards for Swimming Pools. (785018)

Swimming Pool Supply Co. - \$20,205.00 (Total net bid)

AIRPORT DEPARTMENT/OPERATIONS DIVISION: Dismantling, Removal and Disposal of Jet Bridge #8. (190025)

Cornejo & Sons Inc. - \$4,750.00

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Liquid Polyelectrolyte - Bulk Delivery. (183632)

Nalco Chemical Company - \$.349 (Cost per pound)

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Liquid Chlorine - Bulk. (183632)

HCI Advanced Chemical - \$.224 (Cost per pound)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

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CMB LICENSES

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2001</u>	<u>(Consumption off Premises)</u>
Mike Bidwell	Dillons Store #12	9450 East Harry
Mike Bidwell	Dillons Store #16	8828 West 13th Street North
Mike Bidwell	Dillons Store #20	7707 East Central
Mike Bidwell	Dillons Store #21	5500 East Harry
Mike Bidwell	Dillons Store #26	1227 South Hydraulic
Mike Bidwell	Dillons Store #30	2525 West Douglas
Mike Bidwell	Dillons Store #31	1640 South Broadway
Mike Bidwell	Dillons Store #33	4747 South Broadway
Mike Bidwell	Dillons Store #34	3932 West 13th Street
Mike Bidwell	Dillons Store #35	6297 East 13th Street
Mike Bidwell	Dillons Store #42	4801 East Central
Mike Bidwell	Dillons Store #49	10222 West 21st Street North
Mike Bidwell	Dillons Store #62	1435 North Waco
Mike Bidwell	Dillons Store #65	3211 South Seneca
Mike Bidwell	Dillons Store #66	2244 North Rock Road
Mike Bidwell	Dillons Store #72	10515 West Central
Dwayne Rahns	Sunrise Amoco	6327 East 13th Street

<u>New Operator</u>	<u>2001</u>	<u>(Consumption on Premises)</u>
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Anna R. Jabara	The Cedar Lounge*	3905 East 13th Street
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<u>New Establishment</u>	<u>2001</u>	<u>(Consumption on Premises)</u>
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Jose A. Garcia	Garcia's Tacos*	2138 North Market
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*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion -- carried

Knight moved that the licenses be approved subject to Staff approval. Motion carried 7 to 0.

PRELIMINARY EST. PRELIMINARY ESTIMATES:

a) Wayfinding Graphics and Signage System - Core Area. (472-82827/791749/435203) Traffic to be maintained during construction using flagpersons and barricades. (District I, V, VI) - \$529,482.00

b) 29th Street North from the west line of Greenwich Road to 855 feet west of the west line of Greenwich Road - Phase II, Landscape to serve Regency Park/ Soccer Fields/ Baseball Fields - 29th Street North, west of Greenwich. (472-83069/765588/490699) Does not affect existing traffic. (District II) - \$106,000.00

c) Water main replacement in connection with intersection improvements at Central and Ridge Road - Central and Ridge Road. (448-89535/635601/635601) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$439,175.00

d) Lateral 25, Cowskin Interceptor Sewer, Fawnwood Addition - west of 135th St. West, north of Kellogg. (468-83174/743860/480548) Does not affect existing traffic. (District V) - \$52,500.00

e) Signalization improvements at 47th Street South and Palisade Intersection - west of Broadway at 47th Street South. (472-83261/706807/200272) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$139,704.80

f) Traffic signal for 21st Street North and Bradley Fair Parkway, Legacy Park Wilson Estates - south of 21st Street North, east of Rock Road. (472-83251/765658/490769) Does not affect the existing traffic. (District II) - \$175,000.00

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g) Water distribution system to serve Cedar View Second Addition - north of Lincoln, east of Greenwich) (448-89526/735000/470670) Does not affect the existing traffic. (District II) - \$62,000.00

h) Water Distribution System to serve Shoal Creek Addition - west of 143rd, south of Central. (448-89522/735001/) Does not affect the existing traffic. (District II) - \$140,000.00

i) Airfield electrical vault improvements, Wichita Mid-Continent Airport, (450217/500880, 500881). Wichita Airport Authority project approval date: November 21, 2000. \$285,000.00

Motion -- carried

Knight moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

DEEDS/EASEMENTS DEEDS AND EASEMENTS:

a) Easement from the City of Wichita, Kansas, a Municipal Corporation for a tract of land in Lot 3, Cumley's Second Addition to Wichita, Sedgwick County, Kansas (Eng. OCA#132001). No cost to City.

b) Dedication dated December 29, 2000 from Bradley Fair One, L.L.C., for a tract of land in Lot 2, Block 1, Bradley Fair Second Addition (OCA# 765658). No cost to City.

c) Dedication dated January 4, 2001 from Vantage Point Properties, Inc., for a tract of land in Lot 2, Block 1, Bradley Fair Third Addition (OCA# 765658). No cost to City.

d) Sanitary Sewer Easement dated January 18, 2001 from Michael and Paulina Archibeque for a tract of land in the south half of the Southeast Quarter of Section 13, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas (Lat. 457, SWI 468-83120, OCA #743845). No cost to City.

e) Sanitary Sewer Easement dated January 11, 2001 from Maxine C. Cook for a tract of land in Lot 12, Coop's Trustee's Subdivision (Sanitary Sewer Rehab, Phase D, OCA #620296). No cost to City.

f) Sanitary Sewer Easement dated January 11, 2001 from Jesse and Pearl Gutierrez for a tract of land in Lot 14, Coop's Subdivision (Sanitary Sewer Rehab, Phase D, OCA #620296). No cost to City.

Motion -- carried

Knight moved that documents be received and filed and the necessary signatures be authorized.

REGENCY PARK

PETITION FOR PUBLIC IMPROVEMENTS – WATER DISTRIBUTION SYSTEM TO SERVE PART OF REGENCY PARK ADDITION – WEST OF GREENWICH, SOUTH OF 29TH STREET NORTH. (District II)

Agenda Report No. 01-0177.

The Petition has been signed by one owner, representing 100% of the improvement district.

This project will provide water service to a new industrial park.

The Petition totals \$35,775. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

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RESOLUTION NO. R-01-050

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89542 (west of Greenwich, south of 29th Street North), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Board of Code Standards and Appeals, 1-8-2001
Wichita Employees' Retirement System, 12-20-2000

Motion -- carried

Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures considered.

WEAPONS

WEAPONS DESTRUCTION:

Agenda Report No. 01-0178.

The Police Department has requested authorization to destroy several weapons which have been confiscated in criminal activity but are no longer needed as evidence.

City Code provides that weapons seized in connection with criminal activity shall be destroyed or forfeited to the Wichita Police Department. All transactions involving weapon disposal must have prior approval of the City Manager. A list of weapons being destroyed has been provided, and includes a total of 47 handguns and 31 long guns. The destruction of the weapons will be witnessed and monitored by Staff.

Upon review by the City Council, the necessary court documents will be prepared to proceed with destruction of the listed weapons.

Motion -- carried

Knight moved that the list of weapons be received and filed. Motion carried 7 to 0.

GROUND WATER

SUPPLEMENTAL AGREEMENT FOR PROFESSIONAL SERVICES – GILBERT AND MOSLEY.

Agenda Report No. 01-0179.

The City entered into a professional services agreement and subsequent supplemental agreements with Stinson, Mag & Fizzell to provide legal advice on environmental matters relating to the investigation and clean-up of groundwater contamination in the Gilbert & Mosley Site. That firm, and particularly David R. Tripp, assisted staff and Council on a number of elements on the project and continues to provide advice and legal representation as needed as the project is being implemented. Extensive effort has also been placed in the identification of responsible parties for cost recovery purposes. Litigation against a large number of responsible parties has resulted in significant legal services for depositions, document production, motions, and other litigation services.

This supplemental agreement provides additional authority to continue to use the services of Stinson, Mag & Fizzell on an as-needed basis for particular legal and environmental issues. This agreement also continues to provide for the litigation team headed by Robert L. Driscoll which is handling the litigation

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to recover costs from responsible parties. This agreement also provides for payment of the expert witnesses in the litigation, which are retained by the law firm.

This supplemental agreement provides authority for an additional \$750,000 in legal services and related expenses. These services are budgeted in and will be paid out of the Gilbert & Mosley TIF.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

RIVER STUDY

ARKANSAS RIVER QUALITY STUDY.

Agenda Report No. 01-0180.

The Kansas Department of Health and Environment has designated portions of the Arkansas River as impaired by fecal coliform bacteria, which impacts the river's quality and periodically threatens recreational use of the river. Water quality testing last spring along urban segments of the river indicated elevated levels of fecal coliform bacteria, leading to cancellation of one River Festival event. Water quality impairment has resulted in renewed community focus on addressing environmental issues relating to the river. The City, in cooperation with KDHE, expanded sampling and monitoring of the river. The City also convened an Arkansas River symposium in September of 2000, involving interested citizens, environmental groups, local industry, and academia. A central priority arising out of the symposium was the need to better identify and quantify the environmental sources impacting the river.

Staff solicited proposals and subsequently recommended HDR Inc. as the preferred firm to conduct the study and at the January 23, 2001 meeting the City Council approved HDR as the recommended consultant. Staff has negotiated a contract with HDR to provide services regarding the identification and measurement of pollution sources impacting the river and an analysis of the fate and transport of bacteria. The scope of services also provides for future development of cost effective control plans for areas of highest bacterial loading, assistance in development of a public education program, and participation in stakeholder meetings.

The cost of Phase 1 activities, not to exceed \$150,000, will be funded by a Congressional appropriation through the Environmental Protection Agency.

Motion --
-- carried

Knight moved that the Agreement/Contract and EPA Grant Application be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES

AGREEMENT FOR DESIGN SERVICES, BRUSH CREEK THIRD ADDITION – SOUTH OF 37TH STREET NORTH, EAST OF WOODLAWN. (District I)

Agenda Report No. 01-0181.

The City Council approved the project on August 17, 1999.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Brush Creek 3rd Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman because Baughman provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$29,300, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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DESIGN SERVICES **AGREEMENT FOR DESIGN SERVICES, WILLOW PLACE, SAWMILL CREEK ADDITION, AND 45 ROCK ROAD INDUSTRIAL PARK – ALONG 45TH STREET NORTH, EAST OF ROCK ROAD.** (District II)

Agenda Report No. 01-0182.

The City Council approved the project on January 23, 2001.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Willow Place, Sawmill Creek Addition and 45 Rock Road Industrial Park. Per Administrative Regulation 7a, staff recommends the selection of Baughman because Baughman provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$14,800, and will be paid by special assessments.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

DESIGN SERVICES **AGREEMENT FOR DESIGN SERVICES, 21ST STREET NORTH AND I-135.**
(Districts I and VI)

Agenda Report No. 01-0183.

The City Council approved the project on January 23, 2001.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of water line and sanitary sewer relocations at 21st Street North & I-135 to accommodate reconstruction of the interchange. Staff recommends contracting with PEC because PEC is already under contract with the Kansas Department of Transportation for the design of the interchange and can expedite plan preparation.

Payment will be on a lump sum basis of \$46,400, and will be paid by Water and Sewer Utility funds.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

SEWER REPAIR **PUBLIC EXIGENCY PROJECT, SANITARY SEWER REPAIRS.** (District II)

Agenda Report No. 01-0184.

A sanitary sewer has collapsed east of Woodlawn, north of Central, in the vicinity of 7225 Cresthill Court. An emergency repair is necessary to prevent backups in the area. Staff recommends that a contractor be hired to perform the work due to limited access to the easement, depth of the sewer line, and a large tree that may have to be removed.

Staff met with on site with contractors, and McCullough Excavation was the low bidder at \$4,500. The City Manager approved proceeding with the project on January 24, 2001.

Capital Improvement Program, Reconstruction of Sanitary Sewers (CIP #S-4) has a budget of \$3,400,000 for 2001. This repair will be funded from Sewer Utility Revenues and Reserves and/or a future revenue bond issue.

City Ordinance 2.64.020, "Public Exigency," authorizes the City Manager to approve work to be performed by a contractor without formal bidding.

Motion -- carried Knight moved that Public Exigency approval of the project be affirmed. Motion carried 7 to 0.

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PROPERTY ACQ.

INTERSECTION IMPROVEMENT PROJECT – 21ST STREET NORTH AND ARKANSAS. (District VI)

Agenda Report No. 01-0185.

The improvement of 21st Street at Arkansas Avenue is included in the 2000 Intersection Improvement Program in the 2000 CIP. As part of this project, 21st Street will be widened and curb radii increased. These improvements will require the acquisition of a portion a residential property on the northwest corner of 21st Street and Shelton, commonly known as 2201 N. Shelton. The site contains 6600 square feet and is improved with a single family residence owned by Steve Marks. The taking requires 245 square feet from the front yard of the property.

A negotiated value of \$3,850 has been extended to the owner, who has agreed to sell the property for this amount. An eminent domain action was initiated on this tract by Council action on February 6, 2001. This agreement eliminates the need to proceed with the eminent domain action and relieves the City of the costs and risks of this action.

The Capital Improvement Program includes funds for Intersection Improvement acquisitions. The funding source is General Obligation Bonds. A budget of \$4,500 is requested. This includes \$3,850.00 for the acquisition and \$650.00 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF A PORTION OF 11701 WEST KELLOGG FOR THE WEST KELLOGG/TYLER AND MAIZE HIGHWAY IMPROVEMENT PROJECT. (District V)

Agenda Report No. 01-0186.

In November 1999, the City Council approved Ordinance 44-429 authorizing funding for the Kellogg/Tyler & Maize Highway project. This approval allowed the City to initiate acquisition of needed parcels. One such acquisition is a portion of the property located at 11701 West Kellogg and is owned by Jerry Blue. The site contains 66,969 square feet and is improved with a 3,624 square foot office building which will not be directly impacted by the acquisition. The take is a 701 square foot triangle along Kellogg.

The take has been appraised for \$4,700 which included land at \$4.50 per square foot plus \$1,500 to cure damages. Currently, access to the tract is across the front of the tract to the west. This access will be eliminated by the project. New access must be provided to avoid landlocking the parcel. The cost to provide a new access to the Kellogg frontage road is estimated at \$16,540 making the cost of the total take \$23,540. The owner will accept this amount for the taking.

Funds have been budgeted in the 2000 Capital Improvement Program. The funding source will be Local Sales Tax revenues. A budget of \$25,000 is requested. This includes \$23,540 for the acquisition and \$1,460 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

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PROPERTY ACQ.

PORTION OF THE SOUTHWEST CORNER OF KELLOGG AND MAIZE ROAD FOR THE WEST KELLOGG/TYLER AND MAIZE HIGHWAY IMPROVEMENT PROJECT.

(District V)

Agenda Report No. 01-0187.

In November 1999, the City Council approved Ordinance 44-429 authorizing funding for the Kellogg/Tyler & Maize Highway project. This approval authorized staff to initiate acquisition of needed parcels. One acquisition is a portion of the property located at the southwest corner of Kellogg and Maize Road which is owned by the Joan Hurst Branson Trust. The site contains 37,106 square feet and is unimproved. There are three billboard structures on the site. The take is a 1,824 square foot rectangle at the east end of the site. The take will require the removal of one of the billboards.

The acquisition has been appraised for \$17,100 which included land at \$2350 per square foot plus \$10,720 to compensate for the loss of sign revenue. The owner has agreed to accept \$25,125. This is based on a land value of \$7.50 per square foot, which is the same amount that the northwest and northeast corners of the intersection sold for.

Funds for land acquisitions have been budgeted in the 2000 Capital Improvement Program. The funding source will be Local Sales Tax revenues. A budget of \$27,000 is requested. This includes \$25,125 for the acquisition and \$1,875 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

FTA GRANT

RESOLUTION AUTHORIZING SECTION 5307 GRANT FROM FEDERAL TRANSPORTATION ADMINISTRATION (FTA).

Agenda Report No. 01-0188.

The Federal Transportation Administration (FTA) grant application process requires a resolution by the governing body authorizing Staff to file grant applications to receive funds and administer the grant's program. The purpose of this Resolution is to authorize Staff to file for eligible federal funds for the support of the City's transit services for FY 2001 capital purchases and transit operation (pursuant to Section 5307 Urbanized Area Formula Annual Apportionment). The authorized total federal apportionment for FY 2001 is \$3,133,147, of which \$31,331 is earmarked for transit enhancement projects. An opportunity was provided for a public hearing and other public input with no response being received. Section 5307 is an 80% federal, 20% local match program.

The proposed Resolution authorizes funding to support the following:

- ? maintenance, including personnel costs, vehicle overhauls, parts and equipment;
- ? Special Services, including ADA operating expenses;
- ? transit enhancement projects; and
- ? planning and training activities

Total grant budget is \$2,470,813; eighty percent federal share is \$1,976,650. The State of Kansas Corporation Commission (KCC) will fund \$27,500 of the local share; the City of Wichita will fund \$466,663. Since this budget does not consume the entire FY2001 federal apportionment (\$3,133,147), WT will have \$1,156,479 in federal carryover funds for future use.

Motion -- carried

Knight moved that the Resolution be adopted. Motion carried 7 to 0.

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RESOLUTION NO. R-01-051

A Resolution authorizing the filing of an application with the Department of Transportation, United States of America, for a Grant under the Urban Mass Transportation Act of 1964, as amended, to support FY 2001 Section 5307 Projects, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

FTA GRANT

RESOLUTION AUTHORIZING SECTION 5309 GRANT FROM FEDERAL TRANSPORTATION ADMINISTRATION (FTA).

Agenda Report No. 01-0189.

The Federal Transportation Administration (FTA) grant application process requires a resolution by the governing body authorizing Staff to file grant applications to receive funds and administer the grant's program. The purpose of this Resolution is to authorize Staff to file for federal funds under Section 5309, which is a discretionary capital investment program, typically for bus and bus facilities. In FY 2000, Wichita was awarded \$2,481,292 in federal funds, and FY2001 for \$2,970,945. These allocations were sought primarily for purchasing replacement buses for WT's 1980 and 1983 buses, as well as intelligent transportation systems (ITS) modernization projects. Section 5309 is an 80% federal, 20% local match grant program.

The proposed Resolution authorizes funding to support Wichita Transit's bus purchase plan of 39 total buses. This Section 5309 grant will complete the federal funding necessary to account for 80% of the total bus procurement project. This grant will support the purchase of 24 buses and associated support equipment, and project administration and bus line inspection costs.

Both FY 2000 and 2001 federal funding allocations equal \$5,452,237. Total grant budget necessary to complete Wichita Transit's bus purchase plan is \$5,096,581 of federal dollars (80%). The remaining \$355,656 federal funds will be carryover for future bus and / or ITS projects. Local match (20%) of \$1,274,145 will be provided by Kansas Department of Transportation funding or Transit fund balance, with the bulk of funds provided by KDOT. Not all of the KDOT grant awards have been made at this time; however, the City can reasonably expect the necessary approvals and awards to implement Wichita Transit's bus purchase plan.

Motion -- carried

Knight moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-01-052

A Resolution authorizing the filing of an application with the Department of Transportation, United States of America, for a Grant under the Urban Mass Transportation Act of 1964, as amended, to support FY 2001 Section 5307 Projects, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

SPECIALS

PROPOSED ASSESSMENT ROLLS.

Proposed Assessment Rolls have been prepared for seventeen (17) water, twenty-one (21) sewer, and three (3) storm water sewers, and it is necessary to set a public hearing date. The Informal Hearing with City personnel will be held March 5, 2001.

Motion --
-- carried

Knight moved that the public hearing be set for 11:00 a.m., Tuesday, April 3, 2001. Motion carried 7 to 0.

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ORDINANCES

SECOND READING ORDINANCES: (FIRST READ FEBRUARY 6, 2001)

- a) Property acquisition by eminent domain - Tract required for the 21st Street North at Arkansas Avenue pavement improvement project. (District VI)

ORDINANCE NO. 44-859

An Ordinance providing for the acquisition by eminent domain of certain private property, easements, and right-of-way therein, for the purpose of acquiring real property for the construction and improvement of 21st Street North at Arkansas Avenue in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the City Attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- b) Property acquisition by eminent domain - Tracts required for the West Kellogg Improvement Project. (District V)

ORDINANCE NO. 44-860

An Ordinance providing for the acquisition by eminent domain of certain private property, easements, and right-of-way therein, for the purpose of construction and widening of Kellogg Avenue in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the City Attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- b) Sidewalk repair.

ORDINANCE NO. 44-858

An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of sidewalks in the city of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- c) ZON2000-00034 - north of 21st Street North on the east side of Tyler. (District V)

ORDINANCE NO. 44-861

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended. ZON2000-00034

- d) A 00-21 – one-fourth mile east of Webb Road and south of 21st Street North. (District II)

ORDINANCE NO. 44-862

An Ordinance including and incorporating certain blocks, parcels, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. A 00-21

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PLANNING AGENDA

Motion -- carried

Knight moved that the Planning Agenda Items be approved as consensus Items. Motion carried 7 to 0.

S/D 00-15

S/D 00-15 PLAT OF HIGHLAND SPRINGS COMMERCIAL ADDITION LOCATED ON THE SOUTHWEST CORNER OF 135TH STREET WEST AND CENTRAL. (District V)

Agenda Report No. 01-0190

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (9-0)

The Sedgwick County District Court reversed the denial by City Council for a zone change and associated Community Unit Plan for this site. The court's decision approved the site for a zone change from SF-20, Single-Family Residential to LC, Limited Commercial for Lots 3 and 4, Block A and for Lot 1, Block B and from SF-20, Single-Family Residential to GO, General Office for Lot 1, Block A, and Lot 2, Block B.

Petition, 100%, have been submitted for municipal water, sanitary sewer, pavement, drainage and medial improvements. A Community Unit Plan Certificate was provided identifying the approved Community Unit Plan. In order to provide for shared access and internal circulation between the lots, a joint access easement and cross-lot circulation agreement were provided. In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. A temporary street easement was provided for Central until the proposed realignment of Central is completed. To cover an existing sanitary sewer line until its relocation, a temporary utility easement was provided.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificate of Petitions, restrictive covenant, CUP Certificate, joint access easement, cross-lot circulation agreement, temporary street easement, and temporary utility easement will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and Plat be approved; the necessary signatures be authorized; the Ordinance Z-3287 be placed on first reading; and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-01-053

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89427, (west of 135th West, south of Central), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-01-054

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89548, (west of 135th Street West, south of Central) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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RESOLUTION NO. R-01-055

Resolution of findings of advisability and Resolution authorizing construction of Lateral 26, Cowskin Interceptor Sewer (west of 135th Street West, south of Central), 468-83209, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-01-056

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 548, (west of 135th Street West, south of Central), 468-83213, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-01-057

Resolution of findings of advisability and Resolution authorizing construction of pavement on Central Avenue from the west line of Lot 4, Block A to 135th Street West including three lanes of arterial standard pavement and necessary transition pavement west of Highland Springs Commercial Addition as necessary, and on 135th Street West from the south line of Lot 2, Block A, to the north line of Lot 2, Block B, including three lanes of arterial standard pavement (west of 135th Street West, south of Central), 472-83318, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-01-058

Resolution of findings of advisability and Resolution authorizing construction of a raised medial on Central to serve Highland Springs Commercial Addition, (west of 135th Street West, south of Central), 472-83319, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. Z-3287

S/D 99-48

S/D 99-48 PLAT OF WESTRIDGE COMMERCIAL ADDITION LOCATED ON THE SOUTHEAST CORNER OF 119TH STREET WEST AND 29TH STREET NORTH. (District V)

Agenda Report No. 01-0191.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

A zone change (SCZ-0775) from SF-20, Single-Family Residential to NR, Neighborhood Retail (Lots 1 and 3) and to LC, Limited Commercial (Lots 2 and 4) has been approved for this site subject to platting. Subsequent to the zone change, the site has been annexed by the City. The plat is also subject to a Community Unit Plan (DP-235) established by SCZ-0775, addressing permitted uses, signs and pedestrian walkways.

In order to provide shared access and internal circulation between the lots, a cross-lot access easement and joint access easement were provided. As required by the drainage plan for this site, a cross-lot

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drainage agreement was provided. Petitions, all 100%, have been submitted for paving, sanitary sewer, water, drainage, medial and traffic signal improvements. A Certificate of Petitions has also been submitted. A CUP Certificate has been provided identifying the approved CUP.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificate of Petitions, cross-lot drainage agreement, cross-lot access easement, CUP Certificate, and joint access easement will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and Plat be approved; the necessary signatures be authorized; the Ordinance SCZ-0775 be placed on first reading; and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-01-059

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89546, (east of 119th Street West, south of 29th Street North), in the City of Wichita, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-01-060

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89547, (east of 119th Street West, south of 29th Street North), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-01-061

Resolution of findings of advisability and Resolution authorizing construction of Lateral 1, Main 3, Northwest Interceptor Sewer (east of 119th Street West, south of 29th Street North) 468-83210, the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-01-062

Resolution of findings of advisability and Resolution authorizing construction of Lateral 2, Main 3, Northwest Interceptor Sewer (east of 119th Street West, south of 29th Street North), 468-83211, the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-01-063

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 160 (east of 119th Street West, south of 29th Street North) 468-83214, the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-01-064

Resolution of findings of advisability and Resolution authorizing construction of a two-lane asphalt roadway on 29th Street North, from 119th Street West to the east line of West Ridge Commercial Addition and a left-turn lane at the Intersection of 119th Street and 29th Street North, 472-83320, in the

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City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-01-065

Resolution of findings of advisability and Resolution authorizing construction of an accel/decel lane on 119th Street West from the south line of West Ridge Commercial Addition north to 29th Street North and on 29th Street North from 119th Street West to the east line of West Ridge Commercial Addition including the major entrance, 472-83321, the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-01-066

Resolution of findings of advisability and Resolution authorizing construction of a traffic signalization device to serve the Intersection of 29th Street North and 119th Street West, 472-83322, the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-01-067

Resolution of findings of advisability and Resolution authorizing construction of a raised medial on 119th Street West to serve West Ridge Commercial Addition, 472-83323, the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted City of Wichita Code Section 28.04.210, the Code of the, Kansas, introduced and under the rules laid over. SCZ-0775

SUB 2000-53

SUB 2000-53 PLAT OF SCHNIEPP SECOND ADDITION LOCATED WEST OF TYLER, SOUTH OF KELLOGG. (District V)

Agenda Report No. 01-0192.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0-1)

This plat is zoned GC, General Commercial and is located in the County within three miles of Wichita's City limits.

City water is available to serve the site. A petition, 100%, has been submitted for sanitary sewer improvements. A Certificate of Petitions has also been submitted. As required by the drainage plan for this site, a drainage agreement was provided. The site is within the noise impact area of Wichita Mid-Continent Airport and an avigational easement and restrictive covenant were required.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions, drainage agreement, avigational easement and restrictive covenant will be recorded with the Register of Deeds.

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Motion --
-- carried

Knight moved that documents and Plat be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. R-01-068

Resolution of findings of advisability and Resolution authorizing construction of Lateral 465, Southwest Interceptor Sewer (west of Tyler, south of Kellogg), 468-83215, the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

SUB 2000-110

SUB 2000-110 PLAT OF QUIK TRIP EIGHTH ADDITION LOCATED ON THE NORTHEAST CORNER OF KELLOGG AND MAIZE ROAD. (District V)

Agenda Report No. 01-0193.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (7-3)

A zone change (ZON 2000-50) from SF-6, Single-Family Residential to LC, Limited Commercial has been approved for the northern portion of this site subject to platting.

City water is available to serve the site. A petition, 100%, has been submitted for sanitary sewer improvements. A Certificate of Petition has also been submitted. A temporary sanitary sewer easement was provided to cover the existing sanitary sewer line until its abandonment.

The negative Planning Commission votes indicated the Commissioner's concerns with the number of openings proposed along Maize Road. This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Subsequent to the Planning Commission Meeting, the Public Works Department agreed to extend the center median north beyond the southernmost opening to prevent left turn movements. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificate of Petition and temporary easement will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and Plat be approved; the necessary signatures be authorized; the ZON 2000-50 Ordinance be placed on first reading; and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-01-069

Resolution of findings of advisability and Resolution authorizing construction of Lateral 33, Main 1, Cowskin Interceptor Sewer (north of Kellogg, east of Maize), 468-83207, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted City of Wichita Code Section 28.04.210, the Code of the, Kansas, introduced and under the rules laid over ZON 2000-50

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ZON 2000-00061

ZON 2000-00061 ZONE CHANGE FROM SINGLE FAMILY RESIDENTIAL TO NEIGHBORHOOD OFFICE, LOCATED NORTH OF 19TH STREET NORTH AND EAST OF WEBB. (District II)

Agenda Report No. 01-0194.

MAPC Recommendation: Approve, subject to platting within 1 year (12-0).

Staff Recommendation: Approve, subject to platting within 1 year.

The applicant requests a zone change from "SF-6" Single-Family Residential to "NO" Neighborhood Office on a 1.42 acre unplatted tract located north of 19th Street North and east of Webb. The applicant indicates that the "NO" Neighborhood Office zoning is requested to provide a location for an office for Sproul Construction and/or other neighborhood office uses. The applicant is proposing to plat the subject property as Lots 17 and 18, Block 1 of the Remington Place Addition.

The surrounding area is characterized by a mixture of uses with apartments to the north, a developing office/commercial center to the northwest, vacant duplex lots to the west, a church to the south, and undeveloped property proposed for single-family residential development in the Remington Place Addition to the east. The property north of the site is zoned "B" Multi-Family Residential. The properties northwest of the site were recently approved for "GO" General Office and "LC" Limited Commercial zoning in the Hanley CUP. The property west of the site is zoned "TF-3" Two-Family Residential. The property south of the site is zoned "SF-6" Single-Family Residential. The property east of the site is zoned "SF-20" Single Family Residential.

At the MAPC hearing on January 18, 2001, there were no speakers, other than the applicant, for or against the request. The MAPC voted unanimously to approve the zone change request from "SF-6" Single-Family Residential to "NO" Neighborhood Office subject to platting within one year.

Motion --

-- carried

Knight moved that the Council concur with the findings of MAPC; approve the zone change, subject to recommended condition of platting within one year and the Ordinance be forwarded for on first reading when the Plat is forwarded to the City Council. Motion carried 7 to 0.

AIRPORT AGENDA

AIRPORT

RESOLUTION FOR ISSUANCE OF TAXABLE AIRPORT SPECIAL FACILITY REVENUE BONDS – YINGLING AVIATION, INC.

Agenda Report No. 01-0195

On December 19, 2000, the City Council, acting as the Wichita Airport Authority, approved a resolution stating its intent to issue Taxable Airport Special Facility Revenue Bonds to finance a \$1.3 million renovation and upgrade to the Yingling Aviation facility located at Mid-Continent Airport. The next step in the bond issuance process is the adoption of a resolution relating the issuance of the bonds which provides for the publication of notices and makes a finding that project income will be sufficient to retire bonded indebtedness.

Yingling Aviation is one of three fixed base operators serving the general aviation public at Wichita Mid-Continent Airport. Yingling subleases a facility on Airport Road that is leased from the Wichita Airport Authority by Cessna Aircraft Corporation. Yingling Aviation is the authorized retail dealer for Cessna airplanes in the Wichita market. Cessna and Yingling Aviation are proposing to substantially renovate and modernize the facility by building a new customer lounge and waiting area; creating new corridors; improving restrooms to ADA standards; expanding parking; creating a new passenger drop-off area with circular drive and canopy; installing new energy-efficient hangar doors; updating HVAC equipment; repairing damaged walls; eliminating and/or replacing windows; and upgrading T-hangars.

The proposed improvements will be financed over 20 years with taxable airport special facility revenue bonds which will be purchased by Cessna Aircraft Corporation or an affiliate. The issuance of the

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bonds will be subject to the applicable standard conditions for the issuance of City industrial revenue bonds, including advertisement for minority contractors, review by the Art and Design Board and submission of a water conservation plan and equal employment opportunity/affirmative action plan.

An analysis of the uses of the project funds is:

T-Hangar Renovation	\$ 287,000
Exterior Renovation of facility	131,000
Interior Renovation of facility	<u>882,000</u>
Total	\$1,300,000

The Tenant or an affiliate plans to purchase the bonds.

Yingling and Cessna agree to pay all costs of issuance. The current lease of the Yingling facility will be extended to cover the term of the proposed bond issue at lease rates that are sufficient to cover bond payments as well as lease payments to the Airport Authority.

Documents for the issuance of the Airport Special Facility Revenue Bonds have been prepared by the City's Bond Counsel and reviewed by the City Attorney's Office.

Motion --

-- carried

Knight moved that Resolution approving documents for the issuance of Taxable Airport Special Facility Revenue Bonds for the Yingling Aviation, Inc. Project in an amount not to exceed \$1.3 million, be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. A -01-

A Resolution authorizing the Wichita Airport Authority of the City of Wichita, Kansas, to renovate, expand, and equip a fixed base operation facility to be leased to Cessna Aircraft Company and subleased to Yingling Aircraft, Inc.; authorizing the issuance of taxable airport special facilities revenue bonds, Series A, 2001, (Yingling Aviation Project), in the aggregate principal amount of \$1,300,000; authorizing execution of a trust indenture by and between the Wichita Airport Authority of the City of Wichita, Kansas, and Intrust Bank, N.A., as trustee, authorizing the Wichita Airport Authority of the City of Wichita, Kansas, to lease the facility to Cessna Aircraft Company, and authorizing execution of a lease between said airport authority and Cessna Aircraft Company; approving the sublease of the facility to Yingling Aircraft, Inc.; and authorizing the execution of a bond purchase agreement for bonds by and between said airport authority and Cessna Aircraft Company as purchaser, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

OFF AGENDA ITEM

Motion -- carried

Knight moved that an Item be taken up off the Agenda. Motion carried 7 to 0.

PAROLEE CENTER

PAROLEE DAY REPORTING CENTER – TWIN LAKES.

Council Member Cole

Council Member Cole explained that the Department of Corrections (DOC) is planning to put a day reporting center in the Twin Lakes Shopping Center, an area surrounded by residential and elderly housing, and struggling businesses. The neighborhoods and business people in the area are very concerned over the way this matter is being handled.

Council Member Cole said she had received letters from State Representatives who are against the location selected by the DOC.

Mayor Knight

Mayor Knight stated that the City should be informed by the DOC of its intentions. Mayor Knight recommended that a strong letter be sent to the Secretary of the DOC asking that the City be notified so the City can work with the DOC to find suitable location(s).

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- Motion -- Cole moved that the City immediately send a letter to Secretary Simmons (DOC) asking that the movement to locate a day reporting center at Twin Lakes Shopping Center be halted; and additional time be given in order for the City to help in finding a suitable location.
- Amendment – Knight moved an amendment that the Law Department telephone Secretary Simmons (DOC) and make notification of the forthcoming letter asking the DOC to halt movement toward the day reporting center located in the Twin Lakes Shopping Center; and that the City Manager and Staff contact appropriate State Representatives and make notification of the City's actions.
- carried Motion, as amended, carried 7 to 0.

EXECUTIVE SESSION

- Motion -- Knight moved that the Council recess and move to executive session at 11:05 a.m. to consider consultation with legal counsel on matters privileged in the attorney/client relationship relating to pending and potential litigation, legal advice; preliminary discussions relating to the acquisition of real property for public purposes; and confidential data relating to financial affairs or trade secrets of a business; and council return from executive session no earlier than 11:30 a.m.
- RECESS The City Council recessed at 10:55 a.m. and returned at 11:30 a.m.
- Mayor Knight Mayor Knight announced that no action was necessary as a result of the executive session.
- ADJOURNMENT The City Council meeting adjourned at 11:30 a.m.

Pat Burnett CMC
City Clerk